

LEGAL AUTHORITY

The Rhode Island Department of Environmental Management is authorized by R.I. General Laws Section 42-17.1-2 to protect the environment from pollution and to maintain an acceptable environmental quality within Rhode Island. The emergency powers of DEM are broad and encompass a wide variety of environmental emergencies as set forth in the chart of Statutory Authority below.

Rhode Island's environmental response authority supplements certain federal legislation, such as the Clean Water Act, 33 U.S.C. 1251 *et seq.*, the Clean Air Act, 42 U.S.C. 7401 *et seq.*, and the Comprehensive Environmental Response Compensation and Liability Act (CERCLA), 42 U.S.C. 9601 *et seq.* 40 CFR Part 311 requires and authorizes DEM to undertake emergency measures similar to those described above, pursuant to, *inter alia*, R.I. General Laws Sections 46-12-3 and 46-12-10.

The DEM Environmental Response Plan (ERP) supports these goals. This ERP also serves to complement and support the National Oil and Hazardous Substances Contingency Plan and the Region One Oil and Hazardous Substances Regional Contingency Plan.

The national contingency plan has been supplemented on a regional basis. As part of the regionalized concept, the EPA Region One Contingency Plan has been developed for application in Rhode Island. Within the framework of Region One, there are separate response plans for coastal and inland discharges. The area response plan for the coastal region has been developed and is maintained by the United States Coast Guard. The inland response plan has been developed and is being maintained by the Environmental Protection Agency.

Pursuant to R.I. General Laws Chapters 23-17, 23-23, 42-17.1, 46-12, 46-13.1, and 46-14, the Department of Environmental Management was delegated the power and duty to control, prohibit, and respond to pollution of the air, surface waters, groundwater and lands of the state, and to protect the public health, safety, and welfare from the effects of releases of hazardous substances.

This ERP is intended to describe general DEM procedures. It is intended neither to convey nor to restrict the rights of other parties. Due to the varied nature of emergency response, DEM reserves the right to modify or depart from these general procedures on a case-by-case basis.

A final caveat is that in the event of a disaster, as defined by R.I. General Laws Section 30-15-1 *et seq.*, the Department's emergency powers will be supplemented, and in some cases superceded, by the emergency powers of the Rhode Island Emergency Management Agency. Additionally, in the event of a disaster, the Governor has the authority to issue executive orders, proclamations, and regulations pursuant to R.I. Gen. Laws Section 30-15-7.

ENVIRONMENTAL EMERGENCY STATUTORY AUTHORITY

ENVIRONMENTAL EMERGENCY	DESCRIPTION	FEDERAL AND/OR STATE STATUTORY AUTHORITY
AGRICULTURE	Authority for the State Veterinarian to quarantine, destroy, and regulate domestic livestock to eradicate disease	R.I. Gen. Laws Section 4-4-1 <i>et seq.</i>
AIR POLLUTION		
The Clean Air Act	Emergency powers to protect air resources and ensure compliance with Federal Clear Air Act	42 USC 7401 <i>et seq.</i>
RI Clean Air Act	Emergency powers for air pollution episode control	R.I. Gen. Laws Section 23-23.1-1 <i>et seq.</i>
ANIMALS	Emergency powers for quarantine and eradication of disease in bees	R.I. Gen. Laws Section 4-4-1 <i>et seq.</i>
DAMS AND RESERVOIRS	Emergency powers to drain and order repairs of unsafe dams and reservoirs	R.I. Gen. Laws Section 46-19-1 <i>et seq.</i>
FISH AND WILDLIFE	Authority over fish (including shellfish) and wildlife within the State	R.I. Gen. Laws Section 20-1-1 <i>et seq.</i>
FOREST FIRES	Emergency powers over fire hazards	R.I. Gen. Laws Section 2-12-15
HAZARDOUS WASTE		
Comprehensive Environmental Response Compensation and Liability Act (CERCLA)	Enables federal agencies to provide a response to unpermitted releases of hazardous substances to the environment and procedures to remediate those releases. Requirements include Emergency Planning and the Community Right-to-Know Act	42 U.S.C. 9601 <i>et seq.</i> , CERCLA Section 103E, 103F
Resource Conservation and Recovery Act (RCRA)	Regulates the storage and management of hazardous wastes	42 U.S.C. Section 321 <i>et seq.</i>
Superfund Amendments and Reauthorization Act (SARA), Title III	The purpose of SARA Title III is to assist the community and responsible public agencies in planning for and responding to hazardous material incidents	42 U.S.C. 9601 <i>et seq.</i> , CERCLA Section 103E, 103F

Toxic Substances Control Act (TSCA)	Regulates the management of chemical substances and mixtures (including PCBs) that present an unreasonable risk of injury to health and the environment,	15 U.S.C. Section 2601 <i>et seq.</i>
RI Hazardous Waste Management Act	Emergency powers for the management of hazardous waste	R.I. Gen. Laws Section 23-19.1-16
MEDICAL WASTE	Management of Regulated Waste Act	R.I. Gen. Laws Section 23-19.2-1
OIL SPILLS		
Oil Pollution Act of 1990	Regulates discharge of oil	33 U.S.C. 2702-2761
Oil Pollution Control Act	Emergency powers in connection with discharge of oil	R.I. Gen. Laws Section 46-12.5.1-11
Water Pollution Act	Emergency powers in connection with the discharge of pollutants, including petroleum or oil	R.I. Gen. Laws Section 46-12-10
PLANT PESTS	Powers to control and eradicate disease-infested plants and plant pests	R.I. Gen. Laws Sections 2-16-3 – 2-16-12
PLANT DISEASE AND PARASITES	Powers for regulation, suppression and extermination of plant parasites and diseased plants	R.I. Gen. Laws Section 2-17-1 <i>et seq.</i> Section 2-18-1 <i>et seq.</i> Section 2-18.1 <i>et seq.</i>
SOLID WASTE		
Refuse Disposal Act	Regulation of refuse disposal	R.I. Gen. Laws Section 23-18.9-1 <i>et seq.</i>
WATER POLLUTION		
The Clean Water Act	Establishes structure for regulation discharges of pollutants into waters	33 U.S.C. 1251 <i>et seq.</i>
RI Water Pollution	Emergency powers to protect water resources	R.I. Gen. Laws Section 46-12-10